

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTO ARIAS,

Plaintiff,

-against-

HPD,

Defendant.

25-CV-4171 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$405.00 in fees – a \$350.00 filing fee plus a \$55.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted an IFP application, but he does not provide sufficient information to demonstrate that he is unable to pay the filing fees. Plaintiff states that he is currently employed and that he earns \$7,200 per month. He also checks a box on the IFP application to indicate that he has “other sources” of income, but he does not answer the question asking him to state the source of that income and the amount of money he receives. He does not answer the questions asking him to state the amount of money he has in cash or in a checking or savings account; any property he owns and its value; his monthly living expenses; his dependents; and his debts and financial obligations. Although Plaintiff’s monthly income suggests he is able to pay the filing fees, because he does not answer most of the questions on the IFP application, the Court is unable to make a conclusive determination of his ability to afford the fees at this time.

Accordingly, within 30 days of the date of this order, Plaintiff must either pay the \$405.00 in fees or submit an amended IFP application. If Plaintiff submits the amended IFP

application, it should be labeled with docket number 25-CV-4171 (LTS), and address the deficiencies described above by providing facts to establish that he is unable to pay the filing fees. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: May 22, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge